

### R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

### SUPPORT FOR CLAIM AMENDMENTS

Support for the amendments to the claims can be found in the drawings as originally filed, for example, in FIGS. 6-8, and in the specification as originally filed, for example, on page 21, line 8 through page 22, line 13 and on page 26, line 6 through page 28, line 10. As such, no new matter has been introduced.

### CLAIM REJECTIONS UNDER 35 U.S.C. §102

The rejection of claims 1-9, 11-20 and 22 under 35 U.S.C. §102(b) as being anticipated by Senda (U.S. Patent No. 5,719,630) has been obviated by amendment and should be withdrawn.

In contrast to the cited reference, the presently claimed invention (claim 1) provides an apparatus comprising (a) a first circuit configured to generate a control signal in response to (i) a measurement of inter-picture motion between a current picture and a first reference picture and (ii) **a predetermined threshold value** and (b) a second circuit configured to select either the first reference picture or a second reference picture as a better reference picture **for subsequent motion estimation on the current picture** in response to the control signal. Claims 12 and 13

include similar limitations. Senda does not disclose or suggest each and every element of the presently claimed invention, arranged as in the present claims. As such, the presently claimed invention is fully patentable over the cited reference and the rejection should be withdrawn.

Specifically, assuming, *arguendo*, elements 71-74 in FIG. 10 of Senda are similar to the presently claimed first circuit (as suggested on page 2 of the Office Action and for which Applicants' representative does not necessarily agree), Senda does not disclose or suggest a first circuit configured to generate a control signal in response to (i) a measurement of inter-picture motion between a current picture and a first reference picture and (ii) **a predetermined threshold value**, as presently claimed.

Furthermore, assuming, *arguendo*, elements 75 and 76 in FIG. 10 of Senda are similar to the presently claimed second circuit (as suggested on page 2 of the Office Action and for which Applicants' representative does not necessarily agree), Senda does not disclose or suggest a second circuit configured to select either the first reference picture or a second reference picture as a better reference picture **for subsequent motion estimation on the current picture** in response to the control signal, as presently claimed. In particular, elements 75 and 76 in FIG. 10 of Senda operate on mean absolute error values and motion vectors, respectively, and do not select a reference picture **for subsequent**

motion estimation on the current picture, as presently claimed. Therefore, Senda does not disclose or suggest each and every element of the presently claimed invention, arranged as in the present claims. As such, the presently claimed invention is fully patentable over the cited reference and the rejection should be withdrawn.

#### **CLAIM REJECTIONS UNDER 35 U.S.C. §103**

The rejection of claims 10 and 21 under 35 U.S.C. §103(a) as being unpatentable over Senda in view of Adiletta et al. (U.S. Patent No. 6,101,630; hereinafter Adiletta) has been obviated by amendment and should be withdrawn.

Claims 10 and 21 depend indirectly from either claim 1 or claim 13 which are believed to be allowable for the reasons presented above in connection with the arguments under §102. As such, the presently claimed invention is fully patentable over the cited references and the rejection should be withdrawn.

New claim 23 depends directly from claim 13 which is believed to be allowable. As such, the presently claimed invention is fully patentable over the cited references.

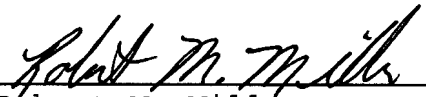
Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicants' representative between the hours of 9 a.m. and 5 p.m. ET at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit Account No. 12-2252.

Respectfully submitted,

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